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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,506	09/21/2005	Takahisa Mihara	40020430-06	9938

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EXAMINER

OLSON, JASON C

ART UNIT PAPER NUMBER

2627

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/527,506	<b>Applicant(s)</b> MIHARA ET AL.	
	<b>Examiner</b> Jason C. Olson	<b>Art Unit</b> 2627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 24-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 24, 25, and 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Nozu (U.S. 6,696,831).

Regarding claim 24, Nozu teaches a disk rotator that rotates a magnetic disk (see col. 7, ln. 3-5); a magnetic head (see col. 7, ln. 5-7); a head positioner for supporting said magnetic head such that said magnetic head can be attached or removed (see col. 7, ln. 5-9); a rotary positioner that rotates and positions said head positioner (see col. 7, ln. 10-13); wherein said head positioner positions said magnetic head above a magnetic disk surface at least in a direction of a track width of said magnetic disk (see col. 7, ln. 10-19); and a rotation mechanism (see col. 7, ln. 2-4 and figure 3, the spindle motor 113 is a rotation mechanism); wherein said rotary positioner accomplishes with said rotation mechanism both a movement of said magnetic head in an interval above said magnetic disk surface to an outside of said magnetic disk and an application of a pre-determined skew angle to said magnetic head on said magnetic disk surface (see col. 7, ln. 12-27 and figure 3, the head 121 is positioned at a predetermined pitch or skew and rotated between an inner diameter and outer diameter as illustrated by arrow X).

Regarding claim 25, Nozu teaches a rotary positioner can move said magnetic head away from said magnetic disk to attach or remove said magnetic head (see col. 7, ln. 5-9).

Regarding claim 27, Nozu teaches a disk rotator is disposed on a top surface of said magnetic disk; wherein said head positioner and rotator are disposed at a bottom surface of said magnetic disk; wherein said head positioner and rotator are disposed under said magnetic head; and said magnetic head is positioned on a bottom surface of said magnetic disk (see figure 3, the head 121 is positioned by the positioner 115 and rotator 119 below the disk surface 111).

Regarding claim 28, Nozu teaches a piezo stage, wherein any unnecessary vibration of said piezo stage is reduced by bringing a center of gravity of an object to be positioned on said piezo stage adjacent to a support center of said piezo stage (see col. 2, ln. 10-21; the piezo actuator is a piezo stage to eliminate unnecessary vibration).

Regarding claim 29, Nozu teaches a spin stand (see col. 7, ln. 2 and figure 1, item 11).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nozu in view of Kita (U.S. PUB 2002/0130457).

Regarding claim 26, Nozu fails to teach a driver and a member selected from the group consisting of a brake and an anchor that brakes and anchors respectively; and a moveable base

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that is driven by said driver at specific intervals, however, Kita is relied upon to teach a driver and a member selected from the group consisting of a brake and an anchor that brakes and anchors respectively; and a moveable base that is driven by said driver at specific intervals (see para. [0007] and figure 1, the driver 15 is anchored to the linear guides 12A and 12B and the ball screw 14 acts as a break for the movable positioner). It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon actuator testing of Nozu by applying the teaching of a movable base as taught by Kita for the purpose stated in paragraph [0006] of Kita.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason C. Olson whose telephone number is (571)272-7560. The examiner can normally be reached on Monday thru Thursday 7:30-5:30; alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571)272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

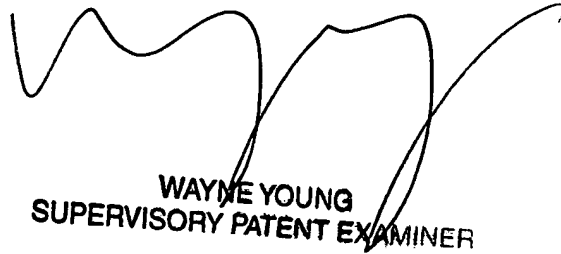
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JCO  
September 5, 2006



WAYNE YOUNG  
SUPERVISORY PATENT EXAMINER